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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|---------------------|
| 09/417,705 | 10/13/1999 | JUNYA KAKU | 991142 | 7820 |
| 23850 | 7590 | 08/11/2005 | EXAMINER | |
| ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006 | | | | NGUYEN, LUONG TRUNG |
| ART UNIT | | PAPER NUMBER | | |
| | | | | 2612 |

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/417,705 | KAKU, JUNYA | |
| | Examiner | Art Unit | |
| | LUONG T. NGUYEN | 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/21/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to newly added claims 16-23, filed on 7/21/2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 17, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (US 6,661,452) in view of Kanai et al. (US 5,835,164).

Regarding claim 16, Nishikawa discloses a digital camera, comprising:

an imaging device having an imaging surface which generates an image signal corresponding to an optical image of an objective scene (CCD 12, Figure 1, Column 3, Lines 3-13);

a processor (combination of signal processing 24 and thinning-out circuit 26, Figure 1, Column 4, Lines 57-67) for subjecting the image signal generated by said imaging surface to signal processes including a thinning process so as to create processed image data at a rate of one screen per a first time period;

a memory (SDRAM 58, Figure 1, Column 4, Lines 30-40) having a single input/output port;

a writer for writing to said memory the processed image data output from said processor (SDRAM control circuit 30, Figure 1, Column 4, Lines 30-56);

a display for displaying an image based on the processed image data read out by said reader (LCD 40, Figure 1, Column 5, Lines 25-27);

a first instructor for instructing said processor to suspend the thinning process at a time of accepting a recording operation (upon operating the shutter button 52, a freeze image is displayed on LCD 40, Column 6, Lines 20-32; it is noted that the image displayed on LCD 40 is outputted from thinning-out circuit 26, since the image is freeze, the thinning process of thinning-out circuit 26 is suspended);

a recorder for recording to a recording medium (flash memory 54, Figure 1, Column 7, Line 65 – Column 8, Line 3) the processed image data stored in said memory in response to the recording operation;

Nishikawa fails to specifically disclose a reader for reading the processed image data stored in said memory at a rate of one screen per a second time period which is shorter than the first time period. However, Kanai et al. teach a video signal processor, which comprises a memory, in which the digital data being written into the memory at a first rate based on a writing control clock and being read from the memory at a second rate, which is n times the first rate, n is an integer greater than one (see abstract, column 57, lines 29-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hayashi and Hirabayashi et al. by the teaching of Kanai et al. in order to reduce flicker (see abstract).

Regarding claim 17, Nishikawa discloses wherein said memory is an SDRAM (SDRAM 58, Figure 1, Column 4, Lines 30-40), and said writer includes a buffer (buffer 32, Figure 1, Column 3, Lines 52-67) for holding the processed image data output from said processor and a transferor (bus 60, Figure 1, Column 4, Lines 30-41) for transferring to said memory the processed image data held by said buffer.

Regarding claim 21, Nakai et al. discloses the second time period is one over an integer of the first time period (Nakai et al. discloses the digital data being written into the memory at a first rate based on a writing control clock and being read from the memory at a second rate,

which is n times the first rate, n is an integer greater than one, see abstract, column 57, lines 29-38; since the rate is reciprocal of the time period, the second time period is one over an integer of the first time period).

Regarding claim 22, Nishikawa discloses said recorder records to said record medium the processed image data in a compressed state (compressed image data is recorded in flash memory 54, Figure 1, Column 7, Line 65 – Column 8, Line 3).

Regarding claim 23 Nishikawa discloses a second instructor for instructing said reader to suspend a reading process in association with an instructing process of said first instructor (Nishikawa discloses that upon operating shutter button 52, a freeze image is displayed on LCD 40, Column 6, Lines 20-32; since a freeze image data is displayed on LCD 40, there is no other image data display, this indicates that there is no reading image data for displaying, therefore the reading process is suspended).

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa (US 6,661,452) in view of Kanai et al. (US 5,835,164) further in view of Hirabyashi et al. (US 6,295,596).

Regarding claims 18, 20, Nishikawa discloses said memory has a plurality of memory areas (SDRAM 58, Column 4, Lines 30-40).

Nishikawa and Kanai et al. fail to specifically disclose a changer for changing a selecting a memory area at an interval of the first time period; said writer writes the processed image data to one of said plurality of memory areas based on a changing result of said changer; and said

reader reads the processed image data from another of said plurality of memory areas based on the changing result of said changer. However, Hirabayashi et al. disclose memory 11 (SDRAM) has two banks A and B, the data can be written and read out, independently of each other, these banks can be switched (figure 1, column 4, line 63 – column 5, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Hayashi and Kanai et al. by the teaching of Hirabayashi et al. in order to obtain a device in which data can be read out fast by switching the banks (column 6, lines 29-30).

Regarding claim 19, Hirabayashi et al. disclose the changer changes the selecting of the memory area in a predetermined order (column 6, line 64 – column 7, line 40).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (571) 272 - 7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER can be reached on (571) 272 - 7308. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN
08/08/05

Luongthuan Nguyen

**LUONG T. NGUYEN
PATENT EXAMINER**